IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

| ARMANDO HERNANDEZ, MICHAEL |) |
|--|-------------------------------------|
| WANDS, JOE ALVAREZ, BALMORES |) |
| ORTIZ, DAVID RODRIGUEZ, LUIS |) |
| TEJADA, CHAD GOURLEY, JOSEPH |) |
| GASDIA, PAUL GASDIA, ERIC |) |
| CLEVELAND, JASON DIXON, ERIC |) |
| BOLISKI, ERIC MAHANEY, RICHARD |) CIVIL ACTION NO. 06-CV-2675 (CLB) |
| PITNEY, ELIJAH NAYLOR, AND SEAN |) (MDF) |
| NEARY, Individually and on Behalf of All |) |
| Others Similarly Situated, As Class |) |
| Representatives, |) |
| Plaintiffs, |))) |
| v. |)) |
| C&S WHOLESALE GROCERS, INC., RICHARD "RICK" B. COHEN, and C&S WHOLESALE GROCERS, INC., as Plan Administrator, |) ECF Filed)) |
| Defendants. |) |

SIRS/MADAMS:

TO: David M. Wirtz, Esq.
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Counsel for Defendants C&S Wholesale Grocers, Inc., Richard B. Cohen, and C&S Wholesale Grocers, Inc., as Plan Administrator

PLEASE TAKE NOTICE that on July 30, 2008, at 3:00 p.m. in the afternoon or as soon thereafter as counsel can be heard, Plaintiffs will apply to the United States

District Court for the Southern District of New York, before the Honorable Kenneth M.

Karas, at 300 Quarropas St., Room 521, White Plains, NY 10601, for entry of an Order

pursuant to Fed. R. Civ. P. 23(e):

(i) approving as fair and adequate the class-wide settlement of this action;

(ii) certifying as final the Settlement Class;

(iii) approving as fair and reasonable Plaintiffs' counsel's application for

attorneys' fees and expenses;

(iv) awarding the proposed "service payments"; and

(v) dismissing the action with prejudice.

PLEASE TAKE FURTHER NOTICE that in support of this application, Plaintiffs

will rely upon the accompanying (i) Joint Declaration of Steven L. Wittels, Jeremy

Heisler, and David W. Sanford, dated July 21, 2008 with annexed exhibits, (ii)

Supporting Memorandum of Law dated July 21, 2008, (iii) Certification of Jennifer M.

Keough Regarding Mailed Notice and Claims Administration, and (iv) Certification of

Glenn Pomerantz, CPA, Partner, Litigation and Fraud Investigation Practice, BDO

Seidman, in Support of Final Approval of Classwide Settlement of this Action, together

with all prior pleadings and proceedings in this matter.

Dated:

July 21, 2008

New York, New York

/s/ Steven L. Wittels

Steven L. Wittels (SLW-8110)

Jeremy Heisler (JH-0145)

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